

Minutes
Governor's Disability Advisory Council
October 5, 2006
State Capitol Room 172
Helena, MT 59601

Members Present: Julia Hammerquist, Dustin Hankinson, Bryher Herak, Mike Mayer, Susie McIntyre, William Neisess, Marie Peirce, Brian Roat, Patti Scruggs

Absent: Belden Billy, Connie Bremner

Guest: Kelly Williams – SLTC, Mary Dalton – HRD, Steve Heaverlo – MAP, Andrew Hudson – SSA, Theresa Martinosky, Jason Barkley

Welcome & Introductions

Bryher Herak - Chair:

Council and guests were welcomed and introductions were made. The council welcomed Marie Pierce the Council's new member.

Approval of Minutes

Council members

Motion was made and seconded to approve minutes. Minutes approved with no opposition. SCRUGGS/McIntyre

Council Discussions

By-Laws

The Council reviewed the draft By-Laws for additional changes. It was suggested any reference to the position of secretary be removed – the Council is supported by the Department. Additional language was suggested under Article IX – Responsibilities – mandates input from people with disabilities and the disability community in general.

Add language “devoting whatever time and efforts is required to gain a clear and comprehensive understanding of the views and needs of persons with disabilities across the State of Montana” to d and moving others down.

Motion was made to adopt by-laws and seconded. There was no discussion. The motion was passed with no opposition. Scruggs/McIntyre

Conflict of Interest Statement

The conflict of interest statement was discussed and clarified – a conflict of interest exists when a member would benefit financially or personally. If a member has a question regarding a conflict of interest, the member will bring it to the Council or to DPHHS staff. Members will be asked to sign a Conflict of Interest Statement on an annual basis. All members present signed the Statement; absent members will be asked to sign at a later date.

Progress Report on Olmstead Implementation and Plans for future

Kelly Williams – SLTC:

Kelly briefed the Council on Senior Long Term Care division functions to the elderly and disabled populations and also provided instruction on the Executive Planning Process (EPP). (OPCA will provide organizational chart for SLTC Division)

Points of Discussion:

- ◆ Department's general fund budget request is currently at around 145 million, 117 million is present law adjustments and 27 million is for new proposals. If budget was approved as proposed it would exceed three (3) billion dollars, 765 million of which would be general funds.
- ◆ Opportunity for the budget to change exists. Approval of DPHHS budget comes from Governor's Office. (Current EPP requests attached)
- ◆ Big changes in this budget include expansion to Medicaid for current services or caseload adjustments.
- ◆ Increase in Federal Medical Assistance Percentage (FMAP) – rate the state draws down federal dollars requiring Montana to provide additional general funds to get or 'buy' federal Medicaid dollars. General funds are appropriated on a biennial basis; therefore adjustments have to be made outside of the Department's control. FMAP can change or adjust on an annual basis.
- ◆ Veteran's Home(s) nursing shortage and how the state is addressing through "traveling" nurses and proposed 'contingency fund' to support nursing staff concerns.
- ◆ Current Home and Community Based Waiver waiting list 570 – persons on waiting list can be receiving other funding type services.
- ◆ Community care is dependent on service infrastructure in any given community and whether the care is cost effective prior to placement from an institutional to a community setting. Current waiver provides the state flexibility needed to move persons from nursing to community services and is a continual process.
- ◆ Thirty (30) new slots will be distributed in October/November.
- ◆ SLTC Division has supported and implemented the MFP philosophy for several years through the Home and Community Services Waiver.
- ◆ SLTC major issues in the next five years include access to services; assisted living supports; and increase of Montana's population of people 65 and older from approximately 14-15% it to 20% by 2025.
- ◆ Big Sky Bonanza, a pilot project in three counties, currently being used to services for individuals through more flexibility in personal assistance services by an agency or self direction. Big Sky Bonanza has extended opportunities on management of individual budgets based on individual needs to become or remain independent. This grant does not fund service delivery – existing budgets for individuals is funding services.
- ◆ Nursing Home transition assessment is done through a team evaluation process. Team members may be different from one area of the state to the next. Team consists of case management team with family and state support Contract for level of

care screening – medical appropriateness for meeting nursing home level of care - is provided through Mountain Pacific Health Foundation.

- ◆ Money Follows the Person philosophy is used on an individual and defined time basis – Medicaid nursing home care is an entitlement and the impact of budget must be considered.
- ◆ Access to nursing home care is a cornerstone of Medicaid. In the current environment SLTC has set up a system to measure how the State can manage care within the state and federal systems.
- ◆ CMS Money Follows the Person grant discussion and concerns
- ◆ Updated Olmstead Summary (July 2006)
- ◆ Request for update on 2-1-1 Process
- ◆ Request for AMDD explanation of EPP request for change in Forensic Unit

Mary Dalton – HRD:

Mary gave an overview of what her division handles – divided into groups that would serve the public best – HRD children's mental health plan, CHIP, acute Medicaid services with exception of long-term care, adult mental health and developmental disabled Medicaid services. HRD is primarily federally funded. State funded programs include Big Sky RX and End Stage Renal Program.

The Olmstead Plan and Executive Summary and Update including four key elements were presented (attached).

HRD will be looking at an initiative for legislation about the flexibility to be able to spend the general fund that they have for a Medicaid match in another way if necessary.

Motion was made to make a letter of support for the demonstration grant for the HRD division. No discussion motion was voted on and approved with no opposition.

McIntyre/Hammerquist

Email is mdalton@mt.gov and phone is 444-4458 if the council has any questions they can contact here.

Points of Discussion:

- ◆ Crisis and respite intervention
- ◆ Corrections and HRD collaboration
- ◆ Research grant on effects of psychiatric drugs and genetic processes. Grant will include an education component for parents.

Subcommittee reports

MDC High Risk Housing

Final meeting held October 4. Plans will be put out soon and bidding process should start early November 1.

SPAM

Meetings held across the State of Montana and there were a lot of issues brought up and frustrated parents. Oct 15 is next meeting. One of the biggest concerns was turnover of help. There was a very diverse group of people. Marlene could get a complete packet of what was compiled from the meetings. (Mailed to members)

MIG

There has been one meeting, which consisted of a presentation on SSA from Andrew. Barb is planning an Empowerment for Native Americans with Disabilities Conference at the Kwataqnuik Resort in Polson Montana on November 2, 2006. The next meeting is set up for November 16th from 10-2.

Legislative Committee

Concerns on EPP request for changes by AMDD and Warm Springs Forensic Unit. (Request for EPP summary and explanation) Transportation legislation to address safe, without shackles, transport to Warm Springs is being considered. Statutes on medical decisions and guardianship will be addressed in next session. The Council can make recommendations to the Governor on legislation only.

Members interested in Council consideration on specific legislation will forward to DPHHS staff for distribution to Council members.

Money Follows The Person Grant:

The MFP grant concentrates on institutional care transition. The state is allowed to submit one application with support by Medicaid Director. From SLTC understanding an individual must have resided in an institutional setting prior to qualifying under the grant. The MFP is an initiative supported by the Deficit Reduction Act. Housing costs are not an allowable individual expense under the MFP. The proposal must define the population, services, success, sustainability, maintenance of effort and progression in rebalancing the system.

Motion was made that the Council write a letter to the Governor's Office asking him to urge the Department of Public Health and Human Services to apply for the Money Follows the Person Grant. Hankinson/Neisses. A roll call vote was requested – Ayes: Hankinson, Neisses, Mayer. Nays: Roat. Abstentions: Hammerquist McIntyre, Scruggs, Pierce. Motion was passed. A question on validity of the vote was raised. Staff was requested to check Robert's Rules of Order. (Email to Council concern vote attached).

Next steps:

AMDD and DSD present updated Olmstead Plans using Key Element format at next meeting.

Suggestions for future meetings:

- Address Key elements for Unified Plan
- Department of Corrections and how Olmstead is addressed – specifically to first responders.
- Stakeholder participation in updating unified Olmstead document. Request facilitated process to come up with concrete recommendations for State direction on Olmstead implementation. (request approval for cost of facilitator)
- Legislative Session and potential legislation and appropriations to discuss, endorse or recommend to Governor to support.
- Commitment from Governor on Council continuation by Executive Committee members.

Council decided to have a teleconference by the end of October or beginning of November to discuss best date for next meeting and set an agenda.